

United States District Court  
Central District of California

RAMZI DANIEL,

Plaintiff,

v.

ROBERT ALLARD et al.,

Defendants.

Case № 2:22-cv-07272-ODW (PDx)

**ORDER GRANTING MOTION TO  
DISMISS [18]**

Presently before the Court is Defendant Robert Allard's Motion to Dismiss Plaintiff Ramzi Daniel's Complaint. (Mot. Dismiss ("Motion" or "Mot."), ECF No. 18.) After carefully considering the papers filed in connection with the Motion, the Court deemed the matter appropriate for decision without oral argument and vacated the December 5, 2022 hearing. Fed. R. Civ. P. 78(b); C.D. Cal. L.R. 7-15. Because Plaintiff has not filed an opposition, the Court **GRANTS** the Motion.

Central District of California Local Rule 7-9 requires an opposing party to file an opposition to any motion at least twenty-one (21) days prior to the date designated for hearing the motion. Additionally, Local Rule 7-12 provides that "[t]he failure to file any required paper, or the failure to file it within the deadline, may be deemed consent to the granting or denial of the motion." *See Ghazali v. Moran*, 46 F.3d 52, 54 (9th Cir. 1995) (upholding district court's dismissal of plaintiff's complaint based

1 on plaintiff's failure to oppose motion as required by local rules). Prior to dismissing  
2 an action pursuant to a local rule, courts must weigh: (1) the public interest in  
3 expeditious resolution of cases, (2) the court's need to manage its docket, (3) the risk  
4 of prejudice to the defendants, (4) public policy favoring disposition of cases on the  
5 merits, and (5) the availability of less drastic measures. *Id.* at 53 (quoting *Henderson*  
6 *v. Duncan*, 779 F.2d 1421, 1423 (9th Cir. 1986)). "Explicit findings with respect to  
7 these factors are not required." *Ismail v. County of Orange*, SACV 10-00901 VBF  
8 (AJW), 2012 WL 12964893, at \*1 (C.D. Cal. Nov. 7, 2012) (first citing *Henderson*,  
9 779 F.2d at 1424; and then citing *Malone v. U.S. Postal Serv.*, 833 F.2d 128, 129  
10 (9th Cir. 1987), *cert. denied*, 488 U.S. 819 (1988)).

11 The Court has considered the *Ghazali* factors and is persuaded that granting the  
12 Motion is appropriate. The hearing on Defendant Allard's Motion was set for  
13 December 5, 2022. Plaintiff's opposition was therefore due by November 14, 2022.  
14 As of the date of this Order, Plaintiff has not filed an opposition, or any other filing  
15 that could be construed as a request for a continuance. Accordingly, the Court deems  
16 Plaintiff's failure to oppose as consent to granting the Motion to Dismiss, and  
17 therefore **GRANTS** the Motion. (ECF No. 18.) Plaintiff's Complaint is dismissed as  
18 against Defendant Allard.

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20 **IT IS SO ORDERED.**

21  
22 December 5, 2022

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25 **OTIS D. WRIGHT, II**  
26 **UNITED STATES DISTRICT JUDGE**  
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